IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8095 of 2004

Between:

Mohd. Zafrullah Khan S/o Rasul Khan
C.S. Puram, C.S. Puram Mandal, Prakasam District

..... PETITIONER

AND

1. The Registrar, of Cooperative Societies, Govt., of A.P., Hyderabad
2. The Prakasam District Coopertive Central Bank, rep by General

Manager, Ongole, Prakasam District
3. The Branch Manager/Chair Person, PACS, c.S. Puram, Prakasam

District Coop. Central Bank, Pamur, Prakasam District Coop Central

bank Pamur, Prakasam District
4. The Chair Person/Branch Manager, PACS pamur Branch, Pamur,

Prakasam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ order or direction more one in the nature of Writ of Mandamus, declaring the action of the 4th respondents in not allowing the petitioner to discharge duties as secretary in not allowing the petitioner to discharge duties as secretary in the society and also the action of the respondents 1 to 3 in not directing the 4th respondent to permit the petitioner to discharge his duties as secretary in the society as illegal,

arbitrary violative of principles of natural justice and also contrary to the Fundamental rules and consequently direct the respondents to permit the petitioner to join duties as secretary in the 4th respondent society forthwith by paying arrears of salaries in new scales from March 2002 onwards to till date

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondent No.1: GP FOR COOPERATION

Counsel for the Respondent no.2: Mr R.V.Subba Rao

Counsel for the respondent no.3: G.P. for Agriculture

Counsel for the respondent No.4: Ms. Laxmi Kumari

The Court made the following:

O R D E R :

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The petitioner submits that he was a permanent employee of the 4th respondent's society. While working in 4th respondent's society, the petitioner has applied leave and was absented from duties for 27days and after 27 days he was not allowed to join duty in the 4th respondent's society and therefore the action taken by the 4th respondent is illegal and unsustainable.

2. Learned counsel for the 3rd respondent submits that the petitioner is a permanent employee of the 4th respondent, but the petitioner was only deputed to work in the 3rd respondent's-bank and he is not the permanent employee of the 3rd respondent and therefore he was not allowed to join duties in the 4th respondent's society. It is further stated that the petitioner has misappropriated certain amount and surcharge orders have been passed under Section 60 (1) of the Act while he was working at Yerra Reddy Palem Primary Agricultural Cooperative Society and he was unauthorizedly absent and also misappropriated certain amounts and therefore the 3rd respondent is taking suitable steps for taking action against the petitioner.

3. I have taken a view in W.P.No.3171 of 2003 and batch, dated 30.8.2004 that no Writ lies against the society by its employees as the functions of the Cooperative

Societies are not statutory in nature and the Society is not the State within the meaning of Article 12 of the Constitution of India.

4. Following the aforesaid judgment, the Writ Petition is dismissed with a liberty to the petitioner to approach the appropriate authorities for his redressal. There shall be no order as to costs.

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V. ESWARAIAH, J

Dated: 04-11-2004.

ccm

To

1. The Registrar, of Cooperative Societies, Govt., of A.P., Hyderabad
2. The General Manager, The Prakasam District Co-opertive Central

Bank, Ongole, Prakasam District

3. The Branch Manager/Chair Person, PACS, c.S. Puram, Prakasam

District Coop. Central Bank, Pamur, Prakasam District Coop Central

bank Pamur, Prakasam District

4. The Chair Person/Branch Manager, PACS Pamur Branch, Pamur,

Prakasam District.

5. 2CCs GP for Cooperation, High Court Buildings, Hyderabad (OUT)

6. 2 CCs GP for Agriculture, High Court Buildings, Hyderabad (OUT)

7. 2 CD copies.